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Statement submitted by the Marangopoulos Foundation for Human Rights, a non-governmental organization in consultative status with the Economic and Social Council*

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

* The present statement is issued without formal editing.

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Statement

Contemporary dangers of withdrawing or eroding the protection of human rights, in particular women's rights, by insidious and undemocratic methods

A battle has been waged for some time now to undermine a principle which, having always been applied implicitly, was ultimately enshrined in the Vienna Declaration and Programme of Action of 1993 (Chapter I, paragraph 5, and Chapter II, paragraph 38) and the Beijing Declaration and Platform for Action of 1995 (paragraphs 9, 230(g) and 232(g)), whereby traditions and practices that were contrary to the contemporary norms and principles of international law relating to gender equality in all areas and without discrimination should be rejected.

The Marangopoulos Foundation for Human Rights reacted against that insidious battle, which was particularly apparent in 2010 when the French Council of State issued a negative opinion in response to the proposal by the French Government to prohibit the burka. The President of our Foundation, Ms. Alice Yotopoulos-Marangopoulos, sent a letter to the members of the French National Assembly supporting the bill and refuting the argument put forward by the Council of State. The bill was passed and declared by the Constitutional Council to be in accordance with the French Constitution. More recently, on 1 July 2014, the Grand Chamber of the European Court of Human Rights declared it to be in accordance with the European Convention on Human Rights (*S.A.S. v. France*, in particular paragraph 106 et seq.). The law prohibits the wearing, in both open and closed public places, of clothing designed to hide the face and identity of the woman, thereby undermining her right to respect and her opportunity to earn a living, and therefore her independence. The argument put forward by advocates of the burka, according to which the ban violates the free will of the woman, is entirely unfounded.

Indeed, there can be no free will if a woman who does not obey her "master" risks subjecting herself to ill treatment or even, in certain societies, being rejected as a result. In such cases, and taking into account the fact that women enjoy neither inheritance rights nor the right to engage in paid employment in order to support themselves, the only remaining option is to earn one's living though prostitution. Can that really be described as freedom? Furthermore, it should be acknowledged that, in other cases of human rights violations, even the will of the perpetrators is not free. For example, men in certain closed societies who have a "moral" obligation to punish so-called "honour" crimes committed by women are not acting of their own free will, since they are fully aware that the act of killing their wife, daughter or sister will result in imprisonment. Of course, they try to evade punishment by all possible means, which is why the youngest male member of the family is often given the responsibility of fulfilling that inhumane "duty".

In order to eradicate such forms of discrimination, we consider that the following measures should be taken. Firstly, women should receive, from childhood, an education that will allow them to gain practical knowledge so as to be able to engage in an occupation and gain independence.

In addition, the largest possible number of women's organizations that support the positions set out above should rally together to take action. Women will be more

easily convinced if they are made aware of such standpoints by others like them, in particular women from their own societies. It would also be very useful to establish men's organizations that have the same aims and follow the same principles and that work specifically with men to change their discriminatory behaviour towards women.

Furthermore, large international organizations, notably United Nations agencies that are competent in human rights issues, should push societies towards that goal, since they are the principal actors responsible for promoting the principles and rules of international law relating to the exercise of human rights without discrimination. More specifically, the United Nations Commission on the Status of Women should play a leading role in that struggle. The requirement for a "consensus" in order to reach decisions, not only in the Commission but also in other competent and relevant international bodies, is an arbitrary practice that undermines that inherent logic of democracy itself, whereby the majority prevails. The consensus requirement in fact entitles a single dissident to impose his or her views on everyone else! In other words, the minority view is imposed on the majority, which leads to the suppression of the fundamental principle of democracy.

Lastly, all other undemocratic practices must be abolished, such as the hypocritical protection by medical staff of the "health" of young girls who are subjected to genital mutilation. Let us not be fooled – female genital mutilation is not only a question of physical health and integrity, but also leads to a loss of sexual gratification and constitutes a violation of psychological integrity. We must also accelerate the eradication of forced marriages, which in reality constitute the sale of young girls by their own families, usually to much older men. Advocates of that inhumane practice cite their so-called respect for religious beliefs and rules, which are, however, fundamentally opposed to international human rights law and, more specifically, to article 23 of the International Covenant on Civil and Political Rights.

We all have a duty to respond to such practices, which are contrary to the fundamental principles of international law relating to effective equality and democracy. We must not collaborate, either actively or as passive observers, in the suppression of the fundamental principles of international law that establish the supremacy of democracy, liberty and all human rights, without discrimination. Those principles were recognized after centuries of harsh and bloody conflict. Their suppression would constitute a veritable crime that should be recognized and punished as such under international law. Fortunately, racist acts are already criminalized at the national level; other human rights breaches must also be criminalized, including the violation of gender equality by any means.

The United Nations Commission on the Status of Women must continue to resist any pressure that could lead to the deterioration of women's rights. It must take all necessary measures to ensure, on the one hand, the supremacy of human rights over any practice or custom that contradicts those rights and to strengthen, on the other hand, the effective implementation of relevant rules and principles.